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TITLE: REGARDING ALASKA NATIVE CLAIMS SETTLEMENT ACT

SPEAKER: Mr. BROWN of Colorado; Mr. LAGOMARSINO; Mr. VENTO; Mr. YOUNG of Alaska

TEXT: [\*H4428] Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 666) to enroll 20 individuals under the Alaska Native Claims Settlement Act, as amended.

The Clerk read as follows:

S. 666

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED,

TITLE I

Sec. 101. Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enroll the following named individuals as Natives under the Alaska Native Claims Settlement Act (Public Law 92-203): Marilyn Jean (Warren) Sanchez, Theresa A. (Warren) Forbes, Linda (Graham) Raymond, Carol (Graham) Kistler, Debra (Sellers) Page, Glenn Sellers, David P. Schmalzried, Odman H. Schmalzried, Carol Guzialek, Corbin Kooly, Charmaine I. (Warren) Forbes, John A. Warren, Jr., Phillip Graham, Sharon (Graham) Skinner, Wanda (Sellers) Clancy, Georgia A. (Schmalzried) Flood, Rhonda S. (Schmalzried) Koski, Paula (Guzialek) Smith, Pamela Kooly, and Darrell Kooly. Each individual is entitled to receive one hundred shares of stock in Cook Inlet Region, Inc., and such other benefits as the Board of Directors of that corporation may approve. No individual enrolled pursuant to this Act shall be entitled to share in any dividends or Alaska Native Claims Settlement Act distributions made by the United States or Cook Inlet Region, Inc., prior to the individual's enrollment. Enrollment of these individuals shall not alter the entitlement to or distribution of land to Cook Inlet Region, Inc., under the terms of the Alaska Native Claims Settlement Act.

## TITLE II

### SEC. 201. TITLE AND PURPOSE.

(a) Title. -- This title may be cited as the "Admiralty Island National Monument Land Management Act of 1990."

(b) Purpose. -- The purpose of this title is to improve Federal management of lands on Admiralty Island, Alaska, as provided herein.

### SEC. 202. FINDINGS.

The Congress hereby finds that –

(1) Admiralty Island National Monument, Alaska, is an area of unparalleled natural beauty containing multiple values including but not limited to, fish and wildlife, forestry, recreational, subsistence, educational, wilderness, historical, cultural, and scenic values of enduring benefit to the Nation and the Native peoples residing therein; and

(2) land management and Federal administration of Admiralty Island National Monument may be enhanced by Federal land acquisitions, through land exchanges or otherwise, and by cooperative agreements [\*H4429] between the Federal Government and the indigenous residents of the island, the people of the city of Angoon and the Native Village Corporation, Kootznoowoo, Incorporated.

### SEC. 203. LAND ACQUISITION AND EXCHANGE.

(a) Section 506(a) of the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended) is hereby amended by adding at the end thereof the following new paragraph:

"(9)(A) The Secretary is authorized and directed to enter into such cooperative agreements and agreements for land acquisitions, through exchange or otherwise, with Kootznoowoo as are deemed necessary by the Secretary to carry out the purposes specified in sections 101 and 503 of this Act and to improve the management of Federal lands on Admiralty Island.

"(B) The Secretary shall make every effort to complete agreements within eighteen months of the date of enactment of this paragraph.

"(C) The Secretary shall report to Congress before the end of such eighteen-month period on the status and results of negotiations with Kootznoowoo. The report shall include, but not be limited to, any Kootznoowoo properties proposed to be acquired by the United States, any Federal land or other compensation to be offered in exchange, and the text of any proposed or executed agreements.

"(D) Any lands on Admiralty Island acquired by the United States pursuant to this paragraph shall be added to and incorporated within the Admiralty Island National Monument.

"(E) The inability of the Secretary and Kootznoowoo to reach agreement shall not preclude subsequent negotiations at any time for the purposes of land exchanges or other matters.

"(F) Enactment of this paragraph shall not create any right or cause of action by Kootznoowoo, Incorporated, or any other party against the United States."

#### SEC. 204. LAND SELECTION CONSOLIDATION.

(a) Section 506(a)(5) of the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended) is hereby amended by adding at the end thereof the following new subparagraphs:

"(C) In order to consolidate Federal land ownership and improve management of all land and timber resources in the area, the lands between such sale area and lands lying to the east of such sale area which have been or may be conveyed to Kootznoowoo pursuant to this paragraph shall be made available by the Secretary for an exchange between the Federal Government and Kootznoowoo, Incorporated, pursuant to the terms of section 1302(h) of this Act. If such sale is voluntarily terminated, or is canceled or forfeited in accordance with applicable law and regulations, then the lands within the sale area shall also be made available for exchange. The availability of the lands within the sale area for exchange shall continue for one year following the date the sale is completed and closed, or for one year following its termination, cancellation, or forfeiture, whichever is later. Nothing in this section shall affect valid land selections which the State of Alaska has filed with the Federal Government pursuant to Public Law 85-508, nor shall this section cause these lands to be removed from entry pursuant to the Mining Law of 1872.

"(D) Subject to lode mining claims, known as KAEL 1-216 inclusive, and valid existing rights, the subsurface estate in the lands conveyed to Kootznoowoo, Incorporated, pursuant to subparagraph (C) shall be granted to Sealaska, Inc."

#### SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) Section 703(a)(1) of the Alaska National Interest Lands Conservation Act is amended by deleting the words "Admiralty Island National Monument Wilderness" and inserting in lieu thereof "Kootznoowoo Wilderness".

(b)(1) All rights, title, and interests to that portion of the approximately seventeen and thirty-four one hundreds acres comprising the Angoon Administrative Site which, pursuant to paragraph (b)(2) of this section, the Secretary dedicates for uses related to the administration of the Tongass National Forest, are hereby confirmed in the United States, said parcel being a valid existing Federal administrative site as referenced in section

506(a)(3)(A) of the Alaska National Interest Lands Conservation Act (Public Law 96-487, as amended). Said administrative site is located on Admiralty Island in township 50 south, range 68 east, section 31, Cooper River Base and Meridian and township 50 south, range 67 east, section 36, Cooper River Base and Meridian.

(2) Within one year of enactment of this paragraph, the Secretary of Agriculture shall adjust, and resurvey as necessary, the boundaries of the Angoon Administrative Site to include only that portion of the site described as follows:

(A) Those lands which lie within the following described boundaries, comprising four and sixty-eight one-hundredths acres more or less:

Beginning at corner, 1, also corner 9 of United States survey numbered 8756;

Thence north 45 degrees 30 minutes west, 540.79 feet to corner 2;

Thence north 45 degree 00 minutes east, 876.60 feet to corner 3;

Thence south 45 degrees 30 minutes east, 450.79 feet to corner 4;

Thence south 45 degrees 00 minutes west, 876.60 feet to corner 1, also corner 9 of United States survey numbered 8756, the point of beginning.

(B) Those lands which lie within that area adjoining the northeastern boundary of the four and sixty-eight one-hundredths acre tract and the mean high tide line of Kootznoowoo Inlet, subject to a perpetual public easement for the existing Angoon-Killisnoo Road; and

(C) An easement for road and utility access to the four and sixty-eight one-hundredths acre tract from the western or southern boundary of the seventeen and thirty-four one-hundredths acre site. To the maximum extent feasible, the Secretary shall locate said easement to connect and follow the existing right of way for Relay Road, which lies between lots 1 and 6 of the Samuel G. Johnson subdivision. Said easement shall bear a precise location and of dimensions which the Secretary determines are reasonably necessary for present and projected Federal uses of the site related to administration of the Tongass National Forest. Said easement shall be subject to any valid existing rights except those of Kootznoowoo, Incorporated: PROVIDED, That the easement shall not be located on any lands conveyed by Kootznoowoo, Incorporated, to a third party prior to June 1, 1988, without the express consent of such party: PROVIDED FURTHER, That the Secretary shall exclude from the lands so retained those lands which were occupied on June 1, 1988, by structures and improvements that were not constructed by or for the United States including easements related thereto, or which were constructed by or for the United States but which the Secretary determines are not reasonably necessary for present or projected Federal uses related to the administration of the Tongass National Forest: PROVIDED FURTHER, That the Secretary shall not exclude from the four and sixty-eight one-hundredths acre tract any lands occupied by existing power or utility lines

or poles, and the lands so occupied shall be subject to an easement to allow for their continued use, maintenance, and repair.

(3) Title to all lands within the seventeen and thirty-four one-hundredths acre administrative site which are not included by the Secretary in the adjusted area provided by paragraph (b)(2) shall be conveyed by the Secretary of Agriculture by quitclaim deed to Kootznoowoo, Incorporated.

(4) The provisions of paragraphs (b)(2) and (b)(3) are subject to the condition precedent that Kootznoowoo Incorporated, executes an appropriate written agreement acceptable to the United States Attorney for the District of Alaska to dismiss, with prejudice, the pending litigation entitled Kootznoowoo, versus United States Department of Agriculture, Forest Service, Civil Numbered A84-575, in the United States District Court for the District of Alaska, and agrees therein that Kootznoowoo, Incorporated, and the United States shall each bear their respective costs of said litigation, including attorney's fees."

### TITLE III

Section 301. Subsection (d) of section 37 of the Alaska Native Claims Settlement Act is amended by –

(1) inserting the words ' and such resolution is not validly rescinded pursuant to paragraph (2)(B)(ii) before the period at the end of paragraph (1)(A);

(2) by redesignating paragraph (2)(B) as paragraph (2)(B)(i); and

(3) by adding the following new clauses to paragraph (2)(B):

"(ii) In lieu of approving the amendment to the articles of incorporation described in clause (i) and submitting such amendment to a vote of the shareholders, at any time prior to January 1, 1991, the board of directors of a Native Corporation that has approved a resolution described in paragraph (1)(A) may approve a new resolution rescinding that prior resolution. Upon approval of the new resolution rescinding a resolution described in paragraph (1)(A), the latter resolution shall be void and alienability restrictions on the Settlement Common Stock of such corporation shall continue subsequent to December 18, 1991, until such time as the alienability restrictions are terminated pursuant to the procedure described in subsection (b).

"(iii) Notwithstanding any other provision of law, a civil action that challenges the constitutionality of any provision in clause (ii) shall be barred unless it is filed within one year after the date of the vote of the board of directors approving a resolution to rescind a prior opt-in election under paragraph (1)(A). Any such civil action shall be filed in accordance with section 16(b) of the Alaska Native Claims Settlement Act Amendments of 1987 (101 Stat. 1813-1814)."

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes, and the gentleman from California [Mr. Lagomarsino] will be recognized for 20 minutes.

[\*H4430] The Chair recognizes the gentleman from Minnesota [Mr. Vento].

#### GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 666, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 666, as reported by the Interior Committee, deals with three small issues that have arisen in connection with the Alaska Native Claims Settlement Act [ANCSA] and the Alaska National Interest Lands Conservation Act [ANILCA].

Title I of the bill simply authorizes the enrollment of 20 individuals as Alaska Natives in Cook Inlet Region, Inc., a Native regional corporation formed pursuant to the Alaska Native Claims Settlement Act. These individuals were unfairly precluded from being enrolled as Alaska Natives under the Settlement Act because of an erroneous determination of their degree of Native blood during the enrollment period and, therefore, from sharing in the benefits of the act. No administrative authority exists to correct this inequity and legislation is required.

Title II of the bill amends the Alaska National Interest Lands Conservation Act to authorize the Secretary of Agriculture to enter into agreements with Kootznoowoo, Inc., the Native corporation for the village of Angoon, for land exchanges and cooperative management of lands within the Admiralty Island National Monument Wilderness. Mr. Speaker, as noted in the committee report, Admiralty Island in southeast Alaska is a national treasure of unparalleled quality and provides natural values and historic and cultural attributes of unique and irreplaceable character. Enactment of title II of S. 666

would permit the exchange of lands with Kootznoowoo to add important tracts to the wilderness and cooperative agreements to better manage both Federal and Native lands to meet the purposes of the wilderness. In addition, litigation between the United States and Kootznoowoo over a small tract of land would be resolved by title II.

Finally, Mr. Speaker, title III of S. 666 amends section 37 of the Alaska Native Claims Settlement Act relating to procedures by which Native regional and village corporations could extend the period during which their stock would be inalienable. The Settlement Act of 1971 provided that Native shareholders in the corporations could sell their shares after December 18, 1991. At the urging of most Natives, the act was amended in 1987 to permit corporations to take action to extend that period of inalienability.

One option provided was the so-called opt-in approach under which a corporation could, by resolution of the board of directors, elect to retain the 1991 deadline unless the shareholders voted to extend the period. The few corporations which made such an election now realize the error of that decision, but are foreclosed by law from rescinding the action. Title III amends ANCSA to permit such corporations to rescind such a resolution and to retain the period of inalienability until such time as it is terminated by other affirmative action.

Mr. Speaker, this legislation, as favorably reported by the committee, has the support of the Alaska congressional delegation and the Alaska Native corporations involved. I urge the passage of the bill.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, this legislation provides for three technical amendments to the Alaska Native Claims Settlement Act of 1971 and the Alaska National Interest Lands Conservation Act of 1980, respectively:

Title I would provide for the enrollment of 20 people who are descendants of an Alaska Native who were left off the rolls of ANCSA. The enrollment disqualification has been ruled to be erroneous by the regional solicitor of the Department of the Interior. The regional solicitor ruled that new evidence demonstrated that the requirements for enrollment based upon recognition of the individuals, grandmother as an Alaska Native entitled to enrollment.

Title II would authorize the Forest Service to consider land exchanges consolidating the land selections of Kootznoowoo, Inc., an Alaska Native village corporation. This legislation imposes a duty on the Forest Service to consider exchange proposals and report to Congress within 18 months on the feasibility of such land exchanges. Also, the bill authorizes the Forest Service to enter a settlement of litigation regarding an administrative site. This authorization is contained at the administration's request.

Title II would authorize an Alaska Native corporation to rescind a vote of the board of directors which would have required a vote of the shareholders to retain stock sale restrictions imposed by Federal law. The board has voted to rescind its previous vote. Without this change in law, a separate vote would be required.

Mr. Speaker, each title represents a needed clarification of existing law to carry out the full purposes of these Alaska lands statutes.

Although the administration remains opposed to titles I and II, I would like to point out that neither title results in significant expenditures. Additionally, both are nearly identical to legislation which passed this body in the previous Congress. Where changes have been made, they have been to remove certain provisions the administration has found objectionable.

Mr. Speaker, I know of no opposition to this legislation on our side. I commend the chairman of the subcommittee, Mr. Vento, on his cooperation and Mr. Young for his leadership in moving forward on the bill at this time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. Young].

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of S. 666. This legislation contains three minor technical but important changes to the two major Alaska lands statutes.

Title I, sponsored by Senator Murkowski, passed the other body opposition on June 6. It resolves an enrollment issue in favor of 20 individuals. It does so in compliance with an opinion by the regional solicitor that the 20 individuals, all members of one family, were wrongly denied enrollment under ANCSA.

Title II clarifies exchange authorities of the Federal Government with respect to the village corporation of Kootznoowoo. This title would authorize the Forest Service to consider land exchanges consolidating the land selections of an Alaska village corporation located in the Tongass National Forest. This title would require the Forest Service to report within 18 months of enactment on the feasibility of such a land consolidation. A similar bill passed the House during the previous Congress.

Title III would authorize an Alaska Native corporation to rescind a vote of the board of directors by which the corporation would remove stock restrictions otherwise imposed by Federal law. In order for the board rescission to be effective, a change in Federal law is necessary. Since a large majority of individual shareholders in the Bristol Bay Native Corp., have contacted me in favor of the amendment. I believe it is only fair to relieve the

shareholders of the technical restriction in the law and allow the intent of ANCSA to protect land ownership to be maintained.

I have worked with Mr. Miller and before that Mr. Seiberling on the land consolidations called for in Title II. Land consolidations and exchanges will continue to be necessary in Alaska for better land management. As Alaska Native corporations continue to mature, we need to provide them with some flexibility in land ownership to help Federal land managers, Native people, and the State of Alaska.

[\*H4431] Mr. Speaker, I appreciate the cooperation extended on this legislation by Mr. Vento and Mr. Miller. I hope we can continue to work together to successfully enact other Alaska legislation for the benefit of Alaska and the rest of the United States.

I am glad we were able to work these amendments out and I urge adoption of this bill.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, these are narrowly drawn provisions that address unique circumstances under this law. I think under any circumstance we consider them minor amendments. Of course, they are not minor to those impacted.

When ANCSA rolls were closed off at a previous date, there was no reason to believe that individuals were being left off that really had an entitlement and should be on the rolls of those native groups in Alaska. The first section of this simply addresses that.

I do not know how we could come to any other type of conclusion. It is not possible, apparently, to do this administratively, so we need to address it, and have done so.

Similarly, the provisions of title II, which apparently have inspired some concern, simply permit the administration itself to enter into these negotiations, to clarify some of the problems that have occurred with regard to lands in and around Admiralty Island, concerning the Angoon native group, and to solve those problems.

Mr. Speaker, I really think this is done on a fair basis, and I cannot understand why there would be any questions really raised. Anything that was controversial had been removed during the discussion of this. So I would hope that we could move forward with these and have a better understanding as the process evolves.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Montgomery). The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the Senate bill, S. 666, as amended.

The question was taken.

Mr. BROWN of Colorado. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.